

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85730 of 2023

Arising Out of PS. Case No.-466 Year-2023 Thana- BAHADURPUR District- Darbhanga

1. MAHESH RAY @ MAHESH RAI SON OF HARENDRA RAY R/O VILLAGE- DUMARIA, P.S.- VAISHALI, DIST.- VAISHALI
2. AMRIK SINGH @ AMRIT SINGH SON OF INDRA SINGH R/O VILLAGE- BAGHAIYA, P.S.- NANGAMTA, DIST.- UDHAM SINGH NAGAR, UTTARAKHAND

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ugranath Mallik, Adv.
For the Opposite Party/s : Mr.Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

1. The petitioners seek bail in connection with Bahadurpur P.S. Case No. 466 of 2023 registered for the offences punishable under Sections 30(a), 32(i), 32(ii), 41 and 47 of the Bihar Prohibition and Excise Act, 2016.

2. As per prosecution case, 1105.920 litre foreign liquor was recovered from truck in question and petitioners alongwith other co-accused was apprehended on the spot.

3. Learned counsel for the petitioners submits that petitioner no. 2 is driver and petitioner no. 1 is co-driver of the said truck in question. He further submits that petitioners are not



the owner of the said truck in question. Petitioners being the driver and co-driver of the said truck they have to follow the instruction of the owner to earn the livelihood. They have no knowledge regarding the said liquor that has been kept in the said truck. Petitioners are quite innocent and have committed no offence as alleged against them F.I.R. and they have falsely been implicated in the present case. Petitioners are in custody since 22.09.2023 and bear no criminal antecedent. No incriminating article has been recovered from the possession of the petitioners.

4. The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

5. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge -II, (Excise Act), Darbhanga in connection with Bahadurpur P.S. Case No. 466 of 2023, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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